

Message Text

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TAGS: PARM, CCD

SUBJ: CCD - FIRST DRAFT OF NWFZ STUDY CHAPTER IV

FOLLOWING IS TEXT OF FIRST DRAFT OF CHAPTER IV (RESPONSIBILITIES
OF STATES WITHIN THE ZONE AND OF OTHER STATES) DISTRIBUTED TO EX-
PERST JULY 11.

BEGIN TEXT:

IV. RESPONSIBILITIES OF STATES WITHIN THE ZONE AND OF OTHER STATES

1. THE POSITIVE IMPACT OF A NUCLEAR-WEAPON-FREE ZONE ON STRENGTH-
ENING REGIONAL AND GLOBAL SECURITY WOULD DEPEND UPON A PROPER DIS-
TRIBUTION OF RESPONSIBILITIES AMONG ZONAL AND EXTRA-ZONAL STATES -
IN THE LATTER CASE PARTICULARLY THE NUCLEAR WEAPON STATES. THE
SUBSTANTIAL PROVISIONS CONSTITUTING A NUCLEAR-WEAPON-FREE ZONE
SHOULD, THEREFORE, BE FOUNDED ON AN AGREED BALANCE BETWEEN THE FOL-
LOWING BASIC ELEMENTS: (A) NON-POSSESSION OF NUCLEAR WEAPONS BY
STATES WITHIN THE ZONE; (B) NON-DEPLOYMENT OF NUCLEAR WEAPONS
WITHIN THE ZONE; (C) NON-USE AND NON-THREAT OF USE OF NUCLEAR WEA-

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PONS AGAINST THE ZONE; AND (D) VERIFICATION THAT STATES FULLY COM-
PLY WITH THEIR AGREED OBLIGATIONS.

1. NEED FOR DEFINITION OF FUNDAMENTAL TERMS
2. IT IS ESSENTIAL THAT THE FUNDAMENTAL CONCEPTS UNDERLYING THE IDEA OF MILITARY DENUCLEARIZATION BY AREAS SHOULD BE DEFINED IN THE INSTRUMENT WHEREBY THE ZONE IS ESTABLISHED. IN PARTICULAR, THE FOLLOWING TERMS SHOULD BE DEFINED.
3. THE TERM "NUCLEAR WEAPON" IS OF VITAL IMPORTANCE TO THE PROPER APPLICATION OF A TREATY ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE, AND IT IS ESSENTIAL THAT THE INSTRUMENT CREATING THE ZONE SHOULD CONTAIN A CLEAR DEFINITION OF THAT TERM. FOR THE PURPOSE OF THIS REPORT THE TERM "NUCLEAR WEAPON" IS APPLIED TO ANY NUCLAR EXPLOSIVE DEVICE,WHATEVER ITS DETAILED CHARACTERISTICS OR INTENDED USE. AS FROM THE POINT OF VIEW OF TECHNOLOGY, NO DISTINCTION CAN BE MADE BETWEEN NUCLEAR DEVICES USABLE FOR MILITARY PURPOSES AND FOR PEACEFUL PURPOSES, MANY EXPERTS ARGUED THAT ACCORDINGLY, THERE SHOULD BE NO DIFFERENTIATION IN THE DEFINITION OF THE TERM "NUCLEAR WEAPON" IN NUCLEAR-WEAPON-FREE ZONE TREATIES. THIS VIEW IS STRONGLY DISPUTED BY SOME EXPERTS WHO SEE A CLEAR DISTINCTION BETWEEN THOSE CATEGORIES OF NUCLEAR DEVICES. THOSE EXPERTS WHO HOLD THE FIRST OPINION ARGUE THAT THE TREATIES ESTABLISHING ZONES MUST PROHIBIT ITS MEMBERS FROM DEVELOPING AN INDIGENOUS PEACEFUL NUCLEAR EXPLOSION CAPABILITY, WHILE THOSE WHO ADHERE TO THE SECOND INTERPRETATION SEE NO INCOMPATIBILITY BETWEEN THE DEVELOPMENT OF SUCH A CAPABILITY AND MEMBERSHIP OF A NUCLEAR-WEAPON-FREE ZONE. THE ONLY AVAILABLE DEFINITION OF NUCLEAR WEAPONS CONTAINED IN A TREATY IS IN THE TREATY OF TLATELOLCO, WHICH STATES THAT "A NUCLEAR WEAPON IS ANY DEVICE CAPABLE OF RELEASING NUCLEAR ENERGY IN AN UNCONTROLLED MANNER AND WHICH HAS A GROUP OF CHARACTERISTICS THAT ARE APPROPRIATE FOR USE FOR WARLIKE PURPOSES". IT MUST BE RECOGNIZED THAT ALL MEMBERS OF SUCH A ZONE MUST BE IN FULL AGREEMENT ABOUT WHAT THEIR AGREED DEFINITION OF "NUCLEAR WEAPON" IS, AND THAT FAILURE TO DO SO AT THE OUTSET WOULD BE VIRUTALLY CERTAIN TO LEAD TO FUNDAMENTAL AND SERIOUS MISUNDERSTANDINGS, AND MIGHT WELL JEOPARDISE THE EFFECTIVENESS OF THE ZONE.

4. IT WOULD SEEM ESSENTIAL TO DEFINE WHAT, FOR THE PURPOSE OF THE ZONE, IS MEANT BY "TERRITORY" OF THE CONTRACTING PARTIES. IN THE TREATY OF TLATELOLCO, THE LATIN AMERICAN STATES SPECIFIED THAT
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"THE TERM 'TERRITORY' SHALL INCLUDE THE TERRITORIAL SEA, AIR SPACE AND OTHER SPACE OVER WHICH THE STATE EXERCISES SOVEREIGNTY IN ACCORDANCE WITH ITS OWN LEGISLATION."

5. IT WILL ALSO BE NECESSARY TO DEFINE CLEARLY WHAT IS MEANT BY THE TERM "NUCLEAR-WEAPON-FREE ZONE", I.E., THE TERRITORIAL AREA COVERED BY THE AGREEMNT. THE ARGUMENT HAS BEEN ADVANCED THAT THIS COULD ALSO INCLUDE INTRNATIONAL WATERS, BUT IT IS ALSO MAINTAINED BY OTHER EXPERTS THAT THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT LIMIT THE FREEDOM OF NAVIGATION ON THE

HIGH SEAS AND IN STRAITS USED FOR INTERNATIONAL SHIPPING. EXTRA-ZONAL STATES COULD, OF COURSE, VOLUNTARILY AGREE TO RESPECT ANY AREA BORDERING THE TERRITORIES OF STATES BELONGING TO A NUCLEAR-WEAPON-FREE ZONE, BY LYING OUTSIDE THE SOVEREIGNTY OF ANY STATE, AS BEING ALSO PART OF THAT ZONE. NUCLEAR WEAPON STATES COULD SPECIFICALLY UNDERTAKE NOT TO INTRODUCE NUCLEAR WEAPONS INTO THE RELEVANT PART OF THE HIGH SEAS. THE PURPOSE OF SUCH UNDERTAKINGS WOULD BE TO ASSURE THE STATES IN THE ZONE THAT ITS PURPOSES WILL NOT BE FRUSTRATED BY THE PRESENCE OF NUCLEAR WEAPONS IN AREAS IMMEDIATELY ADJOINING THEIR TERRITORY. THIS IS CLEARLY A MATTER OF CONSIDERABLE COMPLEXITY AND DIFFICULTY, ON WHICH IT WOULD NOT BE PRACTICAL TO MAKE GENERAL RULES.

6. THE ZONAL AGREEMENT COULD ALSO PROVIDE FOR THE ESTABLISHMENT OF A "SECURITY BELT" OF THE ZONE, REFERRING TO AREAS ADJACENT TO THE ZONE, AND IMPLYING THE REMOVAL OF NUCLEAR WEAPONS GEOGRAPHICALLY CLOSE TO THE ZONE THAT MAY BE ASSIGNED TO TARGETS WITHIN THE ZONE, OR HAVING LIMITED DELIVERY RANGES MAKING THEM GENERALLY SUITABLE FOR ATTACKING SUCH TARGETS.

7. IT WOULD ALSO BE DESIRABLE TO DEFINE THE TERMS "TRANSIT" AND "TRANSPORT" OF NUCLEAR WEAPONS IN THE CONTEXT OF A MILITARILY DENUCLEARIZED ZONE. FOR THE PURPOSES OF THE TREATY OF TLAHELCO, "TRANSIT" MEANS THE PASSAGE THROUGH THE ZONE OF NUCLEAR WEAPONS AS DEFINED IN THE ZONAL TREATY BY A STATE WHICH IS NOT A PARTY TO THE TREATY. "TRANSPORT" MEANS THE CARRIAGE OF NUCLEAR WEAPONS IN VEHICLES OF ANY STATE BELONGING TO THE ZONE, EVEN OUTSIDE THE ZONE ITSELF. A CLEAR DEFINITION OF THESE CONCEPTS ACCORDING TO THE SPECIAL CHARACTERISTICS OF EACH PARTICULAR ZONE IS OF IMPORTANCE BOTH TO THE STATES OF THE ZONE AND TO THE GIVING OF SECURITY ASSURANCES TO THE ZONE BY NUCLEAR-WEAPON STATES.

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2. DEVELOPMENT AND PRODUCTION OF NUCLEAR WEAPONS

8. AS TO THE SPECIFIC OBLIGATIONS TO BE ASSUMED BY THE STATES OF THE ZONE, THE MOST IMPORTANT OBLIGATION DESIGNED TO GUARANTEE THAT THERE WILL BE NO NUCLEAR WEAPONS IN THE ZONE IS THAT THE STATES OF THE ZONE SHOULD UNDERTAKE TO PROHIBIT AND PREVENT THE DEVELOPING, TESTING, MANUFACTURE OF PRODUCTION BY ANY MEANS WHATSOEVER OF ANY NUCLEAR EXPLOSIVE DEVICES, EITHER DIRECTLY OR INDIRECTLY, ON BEHALF OF THEMSELVES OR ANYONE ELSE, OR IN ANY OTHER WAY. THE VIEW HAS BEEN EXPRESSED BY SOME THAT THIS PROHIBITION SHOULD BE LIMITED TO NUCLEAR EXPLOSIVE DEVICES DEVELOPED EXCLUSIVELY FOR MILITARY PURPOSES.

3. ACQUISITION AND POSSESSION OF NUCLEAR WEAPONS

9. A SECOND OBLIGATION, WHICH THE STATES IN THE ZONE MUST ASSUME EXPLICITLY, IS THE COMMITMENT NOT TO ACQUIRE, POSSESS, OR RECEIVE NUCLEAR WEAPONS IN ANY MANNER, DIRECTLY OR INDIRECTLY, BY THE ZONAL STATES THEMSELVES, BY ANYONE ON THEIR BEHALF, OR IN ANY OTHER WAY.

THE NUCLEAR-WEAPON STATES MUST, OF COURSE, DULY GUARANTEE THAT THEY WILL DO NOTHING TO ABET ANY BREACH OF THIS OBLIGATION IN ANY FORM WHATSOEVER.

4. INSTALLATION AND STOCKPILING OF NUCLEAR WEAPONS IN THE ZONE
10. IS ESSENTIAL THAT THE STATES BELONGING TO A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT ONLY RENOUNCE THE DEVELOPMENT, PRODUCTION, ACQUISITION AND POSSESSION OF NUCLEAR WEAPONS BUT ALSO LAY DOWN THE NECESSARY CONDITIONS FOR ENSURING THE TOTAL ABSENCE OF SUCH WEAPONS BY UNDERTAKING TO PROHIBIT AND PREVENT THE INSTALLATION AND DEPLOYMENT, STORAGE AND STOCKPILING, OF NUCLEAR WEAPONS. THAT IS TO SAY, THE PRESENCE OF NUCLEAR WEAPONS MUST BE PRECLUDED ALTOGETHER, EVEN IN THE EVENT THAT SUCH WEAPONS ARE NOT UNDER THE

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CONTROL OF STATES BELONGING TO THE ZONE. IN THIS RESPECT, BOTH ZONAL AND EXTRA-ZONAL STATES WOULD BOTH HAVE THE RESPONSIBILITY TO MAINTAIN THE NON-NUCLEAR CHARACTER OF THE ZONE. THIS IS PARTICULARLY PERTINENT WHERE THERE ARE MILITARY BASIS OR ESTABLISHMENTS WHICH ARE NOT NORMALLY UNDER THE JURISDICTION OF THE TERRITORIAL STATE. THIS REQUIREMENT MUST BE ENFORCED BY THE STATES INCLUDED IN THE ZONE, BUT IT IS SELF-EVIDENT THAT ITS EFFECTIVE COMPLIANCE

REQUIRES THE FULL CO-OPERATION OF THE STATES WHICH CONTROL THOSE BASIS OR ESTABLISHMENTS.

5. TRANSPORTATION OF NUCLEAR WEAPONS

11. CLEAR PROVISIONS OR AGREEMENTS CONCERNING THE CONCEPTS OF TRANSPORT OF NUCLEAR WEAPONS WOULD BE IMPORTANT FOR THE EFFECTIVENESS OF THE ZONE. IT CAN BE INFERRED THAT THE ZONAL STATES, BY RENOUNCING ANY FORM OF POSSESSION OF NUCLEAR WEAPONS, EITHER DIRECTLY OR INDIRECTLY, BY THEMSELVES OR BY ANYONE ON THEIR BEHALF, WOULD BE PRECLUDED FROM TRANSPORTING SUCH WEAPONS IN VEHICLES UNDER THEIR JURISDICTION OR CONTROL, SINCE TRANSPORT, HOWEVER BRIEF OR TEMPORARY, COULD BE INTERPRETED TO IMPLY POSSESSION.

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6. TRANSIT THROUGH THE ZONE

12. THE ABSOLUTE PROHIBITION OF TRANSIT OF NUCLEAR WEAPONS BY THE TREATY ITSELF - IT BEING RECOGNIZED THAT SPECIAL ARRANGEMENTS MAY HAVE TO BE MADE FOR THE TRANSIT OF NUCLEAR DEVICES INTENDED FOR PEACEFUL PURPOSES - COULD BE CONSIDERED AS IDEAL. ACCORDING TO ONE ARGUMENT PROHIBITION IN THE TREATY WOULD BE AN ESSENTIAL ELEMENT OF A NUCLEAR-WEAPON-FREE ZONE AND IT SHOULD BIND BOTH ZONAL AND EXTRA-ZONAL STATES. BUT ACCORDING TO ANOTHER THESIS, THE PROVISIONS GOVERNING A ZONE NEED NOT AFFECT THE EXISTING RIGHTS OF STATES TO GRANT - OR DENY - THE TRANSIT OF FOREIGN MILITARY AIRCRAFT OR WARSHIPS THROUGH THEIR AIRSPACE OR TERRITORIAL WATERS, IN ACCORDANCE WITH GENERAL INTERNATIONAL LAW. IT HAS ALSO BEEN ARGUED THAT A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT AFFECT THE FREEDOM OF NAVIGATION THROUGH STRAITS USED FOR INTERNATIONAL SHIPPING. ACCORDING TO YET ANOTHER THESIS, SO FAR AS THE ACTUAL TERRITORY OF THE STATES FORMING A ZONE IS CONCERNED, THERE ARE TWO WAYS OF PROHIBITING TRANSIT: (A) IN THE TREATY ESTABLISHING THE ZONE, AND (B) BY EACH STATE, IN THE FREE EXERCISE OF ITS SOVEREIGNTY, WHETHER BY PROHIBITING TRANSIT THROUGH ITS OWN TERRITORY, OR IN THE CASE OF STATES NOT BELONGING TO THE ZONE, AND IN PARTICULAR NUCLEAR-WEAPON STATES, BY AGREEING NOT TO SEND THEIR NUCLEAR WEAPONS IN TRANSIT THROUGH THOSE TERRITORIES.

13. CONCERNING THE TRANSIT OF NUCLEAR WEAPONS THROUGH AREAS OF THE NUCLEAR-WEAPON-FREE ZONE NOT UNDER THE SOVEREIGNTY OF ANY STATE, ACCORDING TO ONE ARGUMENT A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT AFFECT THE FREEDOM OF NAVIGATION ON THE HIGH SEAS AND IN THE STRAITS USED FOR INTERNATIONAL SHIPPING. ACCORDING TO ANOTHER THESIS, THE NUCLEAR WEAPON STATES BY UNDERTAKING TO RESPECT THE MILITARY DENUCLEARIZATION OF THE ZONE, SHOULD REFRAIN FROM SENDING NUCLEAR WEAPONS IN TRANSIT THROUGH THE ZONAL AREA.

7. USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST THE ZONE

14. AS HAS BEEN EMPHASIZED THE PRINCIPAL OBJECTIVE OF THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IS TO INCREASE THE SECURITY OF THE STATES BELONGING TO IT. IT IS A SOVEREIGN RIGHT OF EACH

STATE TO ASSESS ITS OWN SECURITY NEEDS AND TO ADOPT THE MEASURES REQUIRED TO STRENGTHEN ITS SECURITY, AND THE PARAMOUNT SECURITY INTEREST OF A GROUP OF STATES INVOLVED IN THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IS TO SPARE THOSE STATES FROM BEING ATTACKED WITH, OR THREATENED BY, NUCLEAR WEAPONS.

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15. IF A STATE, BY JOINING A NUCLEAR-WEAPON-FREE ZONE CONSIDERS THAT IT IS RESTRICTING ITS POTENTIAL OF SELF DEFENSE, THE UNDER-

TAKINGS OF THE NUCLEAR-WEAPON STATES FOR SECURITY ASSURANCES AND THE GUARANTEES BY OTHER STATES IN WHICH NUCLEAR TECHNOLOGY IS HIGHLY DEVELOPED ASSUME A CENTRAL SIGNIFICANCE, AND THAT ACCORDINGLY THE NUCLEAR-WEAPON STATES MUST UNDERTAKE NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS AGAINST THE MEMBERS OF SUCH ZONES.

16. THE SECURITY OF A NUCLEAR-WEAPON-FREE ZONE, OF COURSE STRONGLY DEPENDS UPON DIMINISHING THE RISKS OF NUCLEAR CONFLICT BETWEEN THE STATES OF THE AREA. NONETHELESS, THE SECURITY ASSURANCES TO THE ZONAL STATES BY NUCLEAR-WEAPON STATES CONSTITUTE THE MAJOR LINK BETWEEN REGIONAL DENUCLEARIZATION AND WORLD SECURITY AND ARE, FROM THAT POINT OF VIEW, ESSENTIAL. SUCH ASSURANCES COULD BE STRENGTHENED IN CERTAIN CASES BY ESTABLISHING A SECURITY BELT ADJACENT TO THE ZONE.

17. INsofar AS THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE MAY BY ITSELF PRESENT SECURITY PROBLEMS TO NUCLEAR-WEAPON STATES, IN SUCH CIRCUMSTANCES THE CO-OPERATION OF ALL NUCLEAR-WEAPON STATES WITH THE STATES BELONGING TO THE AREA MAY BE NECESSARY IN ORDER TO FIND ACCEPTABLE SOLUTIONS. THESE COULD BE ATTAINED BY NEGOTIATIONS AND/OR CONSULTATIONS BETWEEN THE STATES OF THE AREA AND THE NUCLEAR-WEAPON STATES AT AN APPROPRIATE STAGE OF THE PROCESS OF ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE.

18. A CASE IN POINT COULD BE THE MEMBERSHIP OF A STATE OF THE AREA TO A SECURITY ALLIANCE INVOLVING THE PARTICIPATION OF A NUCLEAR-WEAPON STATE. WHILE, AS HAD BEEN ALREADY NOTED IN CHAPTER III, THERE NEED BE NO INCOMPATIBILITY PER SE BETWEEN PARTICIPATION OF A NON-NUCLEAR-WEAPON STATE IN A NUCLEAR-WEAPON-FREE ZONE AND ITS PARTICIPATION IN A SECURITY ALLIANCE OR OTHER SECURITY ARRANGEMENTS INVOLVING NUCLEAR-WEAPON STATES, IT MIGHT CONDITION THE OBSERVANCE OF THE UNDERTAKING ASSUMED BY A SECOND NUCLEAR-WEAPON STATE OF NOT USING OR THREATENING TO USE NUCLEAR WEAPONS AGAINST THE NON-NUCLEAR WEAPON STATE PARTICIPATING IN A SECURITY ALLIANCE. THE SOLUTIONS TO THIS PARTICULAR PROBLEM MAY VARY IN EACH PARTICULAR CASE. IN THE CASE OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA, THE UK AND THE USA - WHICH

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BY RATIFYING ADDITIONAL PROTOCOL II OF THE TREATY UNDERTOOK NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS AGAINST THE CONTRACTING PARTY TO THE TREATY COMMITTED WITH THE SUPPORT OF A NUCLEAR-WEAPON STATE COULD BE CONSIDERED AS BEING INCOMPATIBLE WITH THE OBLIGATIONS ASSUMED UNDER THE TREATY BY THAT CONTRACTING PARTY, AND THAT THEREFORE THE UK AND THE USA MAY RECONSIDER THEIR UNDERTAKINGS UNDER ADDITIONAL PROTOCOL II VIS-A-VIS THAT CONTRACTING PARTY. THE SOVIET UNION HAS DECLARED THAT IT WOULD RESERVE ITS RIGHT TO REVIEW ITS OBLIGATIONS CONCERNING RESPECT FOR THE NUCLEAR-WEAPON-FREE STATUS OF ZONES IF STATES IN RESPECT OF WHICH IT HAS ASSUMED SUCH OBLIGATIONS COMMIT AGGRESSION OR BECAME ACCOMPLICES OF AGGRESSION.

8. UNDERTAKINGS VIS-A-VIS THE ZONE

19. THE UNDERTAKINGS TO BE ENTERED INTO IN CONNEXION WITH THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE HAVE TO BE PERMANENT, AND CONCERN THREE GROUPS OF STATES; THOSE WITHIN THE ZONE; NUCLEAR-WEAPON STATES; AND OTHER STATES. SO FAR AS THE STATES WITHIN THE ZONE ARE CONCERNED, THE SPECIFIC OBLIGATIONS ENTERED INTO BY THEM SHOULD BE LAID DOWN EXPRESSLY IN A FORMAL AND FULLY BINDING TREATY. THE OBLIGATIONS ENTERED INTO BY THE NUCLEAR-WEAPON STATES SHOULD ALSO BE EMBODIED IN A FORMAL LEGALLY BINDING INSTRUMENT. THE UNDERTAKINGS TO THE ZONE BY OTHER STATES COULD BE SPECIFIC, OR COULD BE MORE GENERAL IN NATURE AND MIGHT PERHAPS TAKE DIFFERENT FORMS, AS, FOR EXAMPLE, BY MEANS OF RESOLUTIONS OF THE GENERAL ASSEMBLY OR OF THE APPROPRIATE BODIES OF THE REGIONAL ORGANIZATIONS CONCERNED.

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(A) BY STATES WITHIN THE ZONE

20. THE OBLIGATIONS INCUMBENT ON THE STATES WITHIN THE ZONE SHOULD ENSURE SPECIFICALLY THAT NUCLEAR WEAPONS WILL NOT BE TESTED, USED, MANUFACTURED, PRODUCED, OR ACQUIRED IN ANY FORM WHATSOEVER IN THE TERRITORY UNDER THEIR JURISDICTION, AND THAT SUCH WEAPONS WILL NOT BE RECEIVED, STORED, INSTALLED, DEPLOYED OR PRESENT IN ANY WAY. THE PROHIBITION SHOULD BE SUCH THAT NONE OF THESE STATES CAN DIRECTLY OR INDIRECTLY, BY ITSELF OR THROUGH THIRD PARTIES, INTRODUCE NUCLEAR WEAPONS INTO THE ZONE. IN ADDITION, THEY COULD AGREE NOT TO GIVE, SEEK OR RECEIVE ANY ASSISTANCE IN THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS. ANY OTHER STATE WHICH HAS EXPRESSED ITS CONSENT TO BE BOUND BY THE TREATY, BUT IS NOT YET A FORMAL SIGNATORY, SHOULD REFRAIN FROM ANY ACTIVITIES THAT MAY COUNTER OR DEFEAT THE OBJECTIVES OF THE ZONE.

(B) BY NUCLEAR-WEAPON STATES

21. IT IS ARGUED THAT IN ADDITION TO THE UNDERTAKING NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS AGAINST ANY STATE INCLUDED IN A NUCLEAR-WEAPON-FREE ZONE THE NUCLEAR-WEAPON STATES SHOULD PLEDGE THEMSELVES TO RESPECT THE STATUS OF MILITARY DENUCLEARIZATION OF
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THE ZONE IN ALL ITS FORMS. THAT WOULD IMPLY: (A) NOT TO INTRODUCE NUCLEAR WEAPONS INTO THE ZONE IN ANY MANNER WHATSOEVER; (B) NOT TO KEEP NUCLEAR WEAPONS IN THE ZONE, AND, IF THEY HAVE DEPT SUCH WEAPONS IN THE PAST, TO WITHDRAW THEM FROM THE ZONE IMMEDIATELY; IF THEY HAVE MILITARY BASIS IN THE ZONE, THEY SHOULD GUARANTEE THAT THEY CONTAIN NO NUCLEAR WEAPONS AND POSSIBLY SHOULD ALLOW THE BASES OR ESTABLISHMENTS TO BE INSPECTED; AND (C) NOT TO PROVIDE TO THE STATES OF THE ZONE ANY ASSISTANCE IN THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS.

(C) BY OTHER STATES

22. THE UNDERTAKINGS BY OTHER STATES - I.E. OTHER THAN NUCLEAR-WEAPON STATES - WITH RESPECT TO THE ZONE CAN BE SPECIFIC BUT MAY BE MORE GENERAL IN NATURE, AND THEIR PURPOSE WOULD BE NOT TO CARRY OUT ANY ACTIVITY ENDANGERING ITS EFFICIENT FUNCTIONING AND, IN PARTICULAR, NOT TO PROVIDE THE STATES OF THE ZONE ANY ASSISTANCE IN THE DEVELOPMENT OR PRODUCTION OF NUCLEAR WEAPONS. THIS WOULD HAVE PARTICULAR IMPORTANCE IN THE CASES OF STATES WITH DEVELOPED NUCLEAR TECHNOLOGY. THESE UNDERTAKINGS MIGHT TAKE A DIFFERENT FORM FROM ADHERENCE TO THE TREATY ESTABLISHING THE ZONE.

9. CONTROL MEASURES

23. THE VIABILITY OF THE NUCLEAR-WEAPON-FREE ZONE WILL LARGELY DEPEND ON THE STRICT APPLICATION OF A SYSTEM OF CONTROL DESIGNED TO ENSURE THAT NO VIOLATION IS COMMITTED OF THE ZONE-S NUCLEAR-WEAPON-FREE STATUS. THE STATES PARTICIPATING IN THE ZONE MUST ADOPT MEASURES WHICH INSPIRE CONFIDENCE AMONG THEMSELVES AND IN COUNTRIES OUTSIDE THE REGION, BY ENSURING THAT NO ACTIVITY OF THE STATES BELONGING TO THE ZONE WOULD RESULT IN THE CIRCUMVENTION OF THEIR BASIC OBLIGATIONS. PROVISIONS SHOULD BE MADE TO LINK THE SYSTEM OF CONTROL WITH THE SYSTEM OF COLLECTIVE SECURITY OF THE UNITED NATIONS.

24. THE EFFECTIVE OPERATION OF A NUCLEAR-WEAPON-FREE ZONE SHOULD INCLUDE AS A MINIMUM THE APPROPRIATE IAEA SAFEGUARDS TO THE COMPLETE NUCLEAR FUEL CYCLE IN EACH COUNTRY WITHIN THE ZONE. ONLY SUCH SAFEGUARDS WOULD GIVE ALL THE STATES PARTIES TO THE NUCLEAR-WEAPON-FREE ZONE AND OUTSIDE STATES CONFIDENCE THAT THE POSSIBLE CLANDESTINE DIVERSION OF FISSILE MATERIAL WOULD BE DETECTED IN GOOD TIME AND THUS DETERRED. IN ADDITION, THE STATES BELONGING TO THE ZONE SHOULD AGREE TO CREATE A SPECIAL MACHINERY TO VERIFY
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THAT NO STATE WITHIN THE ZONE ACQUIRED NUCLEAR WEAPONS BY ANY MEANS WHATSOEVER, THAT THE ZONE WAS NOT BEING USED FOR DEPLOYING OR STOCKPILING NUCLEAR WEAPONS, OR THAT OTHER RELEVANT OBLIGATIONS ARE BEING COMPLIED WITH.

10. RELATIONSHIP BETWEEN DIFFERENT NUCLEAR-WEAPON-FREE ZONES
25. AS MORE NUCLEAR-WEAPON-FREE ZONES ARE ESTABLISHED IN ADDITION TO THOSE ALREADY EXISTING, E.G. IN THE ANTARCTIC AND LATIN AMERICA, AND AS AD HOC AGENCIES OR EXISTING REGIONAL BODIES ARE MADE RESPONSIBLE FOR THE CONTROL AND SUPERVISION OF THOSE ZONES, IT IS CLEARLY DESIRABLE THAT ARRANGEMENTS SHOULD BE MADE FOR THE EXCHANGE OF INFORMATION AND EXPERIENCE, TECHNICAL CO-OPERATION, AND COLLABORATION IN CONTROL AND SUPERVISION. AT THIS STAGE IT WOULD BE DIFFICULT TO ESTABLISH PRECISE FORMS OF CO-OPERATION OR EVEN TO DECIDE WHETHER THIS SHOULD BE ON A REGULAR AND FORMAL BASIS OR ON AN INFORMAL ONE, OR WHETHER USE SHOULD BE MADE PRIMARILY OF EXISTING REGIONAL ORGANIZATIONS OR THE UNITED NATIONS. BUT THE IMPORTANCE OF SUCH CO-OPERATION, IN WHATEVER FORM IT MAY TAKE, MUST BE EMPHASIZED.

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Subject: CCD - FIRST DRAFT OF NWFZ STUDY CHAPTER IV FOLLOWING IS TEXT OF FIRST DRAFT OF CHAPTER IV (RESPONSIBILITIES
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